

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 01-80967

HON. LAWRENCE P. ZATKOFF

v.

DARNELL ROBERTSON,

Defendant.

OPINION AND ORDER

On July 5, 2012, the Court entered an Order with respect to Defendant, wherein the Court reduced Defendant's sentence from 262 months to 210 months pursuant to Defendant's 18 U.S.C. § 3582(c)(2) motion and the fact that Defendant's applicable Guideline range was now 168 to 210 months. Defendant then filed a Motion for Reconsideration (Docket #139) of the July 5, 2012, Order:

because it is his belief that there was difficulty in the court obtaining and interpreting his prison records and that the difficulty may have been the reason that the court sentenced him to the HIGH end of the new guidelines range, when [Defendant] wasn't sentenced to the high end of the guidelines range at his original sentencing.

Defendant's belief is incorrect. The Court did receive a copy of Defendant's prison records and reviewed them thoroughly. The Court completely understood the prison records before determining the appropriate sentence reduction for Defendant. In fact, the Court considered favorably Defendant's behavior, training and work history while incarcerated, and the Court took all of those things into account when fashioning the new sentence for Defendant. Defendant's activities and behavior during incarceration, however, do not, in the Court's judgment, change the seriousness of Defendant's crime and his criminal history. Therefore, the Court, after reviewing

Defendant's entire file, including all documentation filed in conjunction with his most recent § 3582(c)(2) motion, imposed a sentence of 210 months because it was sufficient, but not greater than necessary, to accomplish the goals of 18 U.S.C. § 3553(a).

Accordingly, and for the reasons set forth above, the Court DENIES Defendant's Motion for Reconsideration (Docket #139).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 30, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 30, 2012.

s/Marie E. Verlinde
Case Manager
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